



THE CITY OF NEW YORK
LAW DEPARTMENT
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(not for service)

October 20, 2021

Via ECF

Honorable John G. Koeltl
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007

APPLICATION GRANTED
SO ORDERED

10/20/21

John G. Koeltl, U.S.D.J.

Re: *Hidalgo et al. v. The New York City Department of Education*
20-CV-98 (JGK)

Dear Judge Koeltl:

I am the Assistant Corporation Counsel assigned to the defense of the New York City Department of Education ("Defendant") in the above-referenced action. I write jointly with Plaintiffs' counsel to request the Court hold Plaintiffs' motion for fees in abeyance until November 3, 2021, and the parties provide the Court with a status letter on or before November 3, 2021.

As noted in my prior letter, (ECF No. 79) on October 6, 2021, on remand from Your Honor's order, IHO Ajello issued a Findings of Fact and Decision (FOFD) ruling that "DOE shall fund Student['s] iBRAIN, 18-19 Tuition, and related services, via reimbursement to Parent." Defendant has 25 days from October 6—until November 1, 2021— to decide whether it will appeal this decision. If Defendant does not appeal, it would not contest that Plaintiffs are the prevailing party, and the only issue would be the amount of attorney's fees and costs, which the parties are usually able to resolve without motion practice.

Thank you for your consideration of this request.

Respectfully,

/s/

Sharon Sprayregen
Assistant Corporation Counsel

cc: Rory Bellantoni
Brain Injury Rights Group
Attorney for Plaintiff
(via ECF)